

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DEE ARLIN EASTER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-05-0509-F
)	
LARRY DAMERON, ¹ R. C. DANIELS)	
and WADE LOWERY,)	
)	
Defendants.)	

ORDER

Plaintiff, appearing pro se, brings this action pursuant to 42 U.S.C. § 1983, alleging violations of his federal constitutional rights. Plaintiff alleges that Defendants used excessive force in executing a search warrant and in arresting him.

On December 20, 2005, Magistrate Judge Valerie K. Couch entered a Report and Recommendation (doc. no. 27) recommending that the Motion of Defendant Wade Lowery to Quash Service of Summons (doc. no. 20) be deemed confessed, and that Plaintiff's claims against Defendant Lowery be dismissed without prejudice for insufficiency of service of process under Rule 12(b)(5), Fed. R. Civ. P. Also on December 20 2005, Magistrate Judge Couch entered a second Report and Recommendation (doc. no. 28) recommending that Defendant Lary Damron's Motion to Dismiss (doc. no. 19) be denied.

Each Report and Recommendation advised the parties of their right to object to the Report and Recommendation, that any such objections must be filed by January 9, 2006, and that failure to make timely objection to either Report and

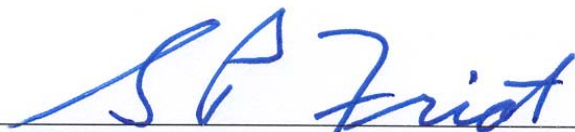
¹This defendant identifies himself as "Lary Damron."

Recommendation would waive the right to appellate review of the factual and legal issues addressed in the Report and Recommendation. No party has filed an objection to either Report, and no party has asked for an extension of time within which to object.

With no objection having been filed, and having reviewed each Report and Recommendation, the record, and the relevant authorities, the court hereby **AFFIRMS, ACCEPTS and ADOPTS** each Report and Recommendation in its entirety. Accordingly, the Motion of Defendant Wade Lowery to Quash Service of Summons (doc. no. 20) is **GRANTED AS CONFESSED**, and Plaintiff's claims against Defendant Lowery are **DISMISSED** without prejudice for insufficiency of service of process under Rule 12(b)(5), Fed. R. Civ. P; and Defendant Damron's Motion to Dismiss (doc. no. 19) is **DENIED**.

The matter remains referred to the Magistrate Judge in accordance with the original referral order.

Dated this 24th day of January, 2006.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE